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RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L BOGOTA 000929

SIPDIS

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TAGS: [PGOV](#) [PREL](#) [KJUS](#) [PTER](#) [CO](#)  
SUBJECT: SUPREME COURT DEFENDS ITS EXTRADITION STANCE;  
PRESIDENT RICAURTE RESIGNS

REF: 09 BOGOTA 00849

Classified By: CDA Brian A. Nichols  
Reasons 1.4 (b and d).

#### SUMMARY

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11. (SBU) In a March 13 meeting, then Supreme Court President Francisco Ricaurte told the DCM and JUDATT that he had not seen the March 6 U.S. diplomatic note on the Court's decision denying the extradition of FARC member Alexander Farfan Suarez ("Enrque Gafas") to the United States on kidnapping charges. Ricaurte said many magistrates believe U.S. equipment may have been used by the Department of Administrative Security (DAS) to illegally monitor the magistrates. The DCM assured Ricaurte that this was not the case, and reiterated our desire to work with the Court. As he foreshadowed to the DCM, Ricaurte resigned as President on March 16, citing the Court's inability to elect a new president. End Summary.

#### COURT REACTS TO FARFAN NOTE WITHOUT READING IT

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12. (SBU) Supreme Court President Francisco Ricaurte told the DCM on March 13, that he had not seen our March 6 diplomatic note regarding the Court's decision to deny extradition to the FARC's Alexander Farfan Suarez ("Enrique Gafas") for the kidnapping of three American citizens. Ricaurte speculated that the Executive Branch may have delayed forwarding the note to the court in order to shape negative reporting in the press while preventing the court from replying.

13. (SBU) The DCM provided Ricaurte with a copy of the note and stressed that it was not intended to bring any political pressure on the Court. Rather, it was sent to further explain our legal arguments. Ricaurte said that he would review the note with Criminal Chamber President Julio Socha. The Court had issued a joint statement on March 9 with the other three judicial branches and Prosecutor General denouncing "national and foreign pressures" on Colombia's judicial system (reftel). Ricaurte said the "foreign pressures" line reflected some magistrates' ire over the idea of a U.S. protest note regarding their decisions. The newspaper "El Tiempo" reported on March 17 that the Court's Criminal Chamber had issued a statement--signed by all nine members--the day before defending its recent decision denying a U.S. extradition request in a narcotics case on double jeopardy grounds.

GOC: NOTE REMAINS AT MFA  
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14. (SBU) Suzy Sierra, Ministry of Foreign Affairs (MFA) Legal Office Director, confirmed to us later on March 13 that the diplomatic note was still in the MFA. She told us the GOC had not determined when--or whether--it would forward the note to the Court. Sierra said she would meet the week of March 17 with Vice Foreign Minister Clemencia Forero, Ministry of Interior Justice Vice Minister Miguel Ceballos, and presidential Legal Advisor Edmundo del Castillo to formulate the GOC position on what to do with the note. Sierra said the note would require a GOC response, and that del Castillo would likely consult "at higher levels" after the meeting.

#### CONCERN OVER DAS SURVEILLANCE

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15. (SBU) Ricaurte told the DCM that many Court magistrates "shared a deep concern and unhappiness" that U.S. equipment might have been used by the DAS to spy on magistrates. The DCM assured Ricaurte that no equipment provided by the USG had been used for illegal wire taps, reviewing our safeguards to prevent unauthorized use of the equipment. Ricaurte was visibly relieved, and said he would convey that information to his colleagues.

#### RICAUORTE RESIGNS

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16. (SBU) Ricaurte announced his resignation as president on March 16. He will continue to serve as head of the Court's Labor Chamber. Vice President Javier Zapata Ortiz will serve as acting president until the Court elects a new president--which requires an absolute majority of 16. To date, the closest magistrate has been Alfredo Gomez Quintero with 14 votes.

17. (C) Ricaurte told the DCM that he had considered resigning but had feared doing so would further weaken the court in the face of pressures from the Executive Branch. Ricaurte said he was frustrated with the delays in electing a new president, saying this--along with the friction with President Uribe--had created a tense atmosphere in the Court. Since last December, the Court has voted more than 100 times, but has failed to select a new president. Ricaurte blamed the delay on the lack of consensus in the Criminal Chamber stemming from differences of legal perspective and over who was best qualified to lead. Under the Court's rules, it is the Criminal Chamber's turn to choose the Court's next president.  
NICHOLS